UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

WATONWAN COUNTY SHERIFF'S DEPARTMENT Employer

and

Case 18-WH-076505

LAW ENFORCEMENT LABOR SERVICES, INC. Petitioner

CERTIFICATION OF REPRESENTATIVE AS BONA FIDE UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938

On March 13, 2012, Law Enforcement Labor Services, Inc. filed with the Regional Director for Region 18 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. Sec. 207(b).

On March 21, 2012, the Regional Director served on the parties an Order to Show Cause why the Board should not grant the request. No response was filed. As the Region's investigation revealed that the Petitioner is the recognized collective-bargaining representative of the unit employees,¹ the Regional Director recommended to the Board that the requested certification be issued.²

¹ The parties are signatory to a collective-bargaining agreement effective from January 1, 2012 through December 31, 2014.

² On April 4, 2011, in Case 18-WH-21, the Board certified Watonwan County Dispatchers (International Association of Firefighters – 911 Dispatcher Local #3928) as a bona fide representative of the Employer's 911 dispatchers under Section 7(b) of the Fair Labor Standards Act. However, on December 22, 2011, the Minnesota Professional Fire Fighters Association notified the State of Minnesota Bureau of Mediation Services that it was releasing Watonwan County Dispatchers, IAFF Local #3928, as members of its association, effective immediately. Thereafter, on December 28, 2011, the State of Minnesota Bureau of Mediation Services issued a Unit Clarification Order in response to the communication from the Minnesota Professional Fire Fighters Association and a petition jointly filed by the Employer

No party having shown cause why the requested certification should not be issued, the National Labor Relations Board hereby certifies that Law Enforcement Labor Services, Inc. is a bona fide representative, for purposes of Section 7(b) of the FLSA, of the employees employed in the Watonwan County Sheriff's Department in the following unit-3

All non-licensed essential employees in the Watonwan County Sheriff's Department bargaining unit as identified by the Bureau of Mediation Services, certification of Exclusive Representative dated April 13, 1999, case 99-PCE-1119, excluding supervisory, confidential and essential licensed employees, and Unit Clarification Order dated December 28, 2011, BMS Case No. 12PCL0564.

Dated, Washington, D.C., May 17, 2012

By direction of the Board:

Lester A. Heltzer

Executive Secretary

and the Petitioner, which requested the accretion of the 911 dispatchers into an existing unit of non-licensed essential employees of the Sheriff's Department, currently represented by the Petitioner. Accordingly, the State of Minnesota Bureau of Mediation Services found that the Fire Fighters Union is no longer the exclusive representative of the 911 dispatchers of Watonwan County, and that the bargaining unit of non-licensed essential employees of the Sheriff's Department is amended to include the 911 dispatchers.

³ A certificate of representative as bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).